

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

KEVIN L. TUCKER,

Plaintiff,

vs.

Civil Action 2:07-CV-1071
Judge Marbley
Magistrate Judge King

MICHAEL J. ASTRUE, Commissioner
of Social Security,

Defendant.

ORDER

On February 5, 2009, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the decision of the Commissioner of Social Security be reversed and that this action be remanded to the Commissioner for further consideration of plaintiff's ability to use his hands. The parties were specifically advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. The decision of the Commissioner of Social Security is **REVERSED** and this action is hereby **REMANDED** to the Commissioner of Social Security, pursuant to Sentence 4 of 42 U.S.C. §405(g), for further consideration of plaintiff's ability to use his hands.

The Clerk shall enter **FINAL JUDGMENT** in this action.

s/Algenon L. Marbley
Algenon L. Marbley
United States District Judge